

UNITED STATES OF AMERICA,
Plaintiff
vs.
JOSEPH PATRICK HEADEN,
Defendant.

THIS MATTER IS BEFORE THE COURT pursuant to the Request for Discovery filed by the Defendant, Joseph Patrick Headen, on May 17, 2006 (Document No. 15) and the Government's Response to Defendant's Request for Discovery filed on June 9, 2006 (Document No. 16). A hearing was held before the undersigned on August 1, 2006 to allow the Court to hear the arguments of counsel. For administrative clarity, the Court will treat the Defendant's Request for Discovery as a Motion to Compel Discovery. After a careful consideration of the parties' written contentions, their oral arguments, and a review of the case in its entirety, the Court will respectfully **DENY** the Defendant's Motion.

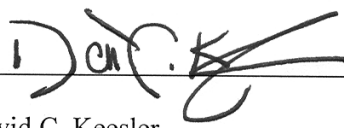
At its essence, the Defendant's position is that there may have been an agreement between the Defendant and the Government that, if the Defendant cooperated in the Government's law enforcement investigation, the Government would not proceed against the Defendant with this federal prosecution. The Government denies the existence of any such agreement. Counsel for the Defendant, through the Request for Discovery, is seeking certain information from the Government in support of this potential argument. The specific items that the Defendant seeks are set out in detail in the paragraphs numbered 1 through 4 in the written Request for Discovery.

The Government, for its part, responded to the Defendant's request addressing each of his requests in turn and also enclosing a recent letter from the Assistant United States Attorney in the case, Robert Gleason, to defense counsel, Randolph Lee. With that letter, the Government enclosed certain additional discovery addressing the Defendant's requests and provided in narrative form within the letter certain other information relevant to the Defendant's request. The Court also notes that the Government is following its usual open file discovery policy, and pursuant to the terms of the Standard Criminal Discovery Order filed in this and nearly all cases in this district, the Government, of course, must comply with its obligations under *Brady* and *Giglio*.

Therefore, based upon the written pleadings, the arguments of counsel, and the record as a whole, the Court is of the view that the Government has acted in good faith in attempting to provide all the information at its disposal that is responsive to the Defendant's Request for Discovery. Accordingly, the Defendant's Motion is hereby respectfully **DENIED**. This denial is without prejudice to Defendant's right to renew this motion in the future should it discover additional and appropriate grounds to do so.

SO ORDERED.

Signed: August 28, 2006



David C. Keesler
United States Magistrate Judge

